UNITED
NATIONS

S

Security Council

Distr.
GENERAL

S/24808
13 November 1992
ENGLISH
ORIGINAL: ENGLISH/FRENCH

Belgium, France, Russian Federation, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Reaffirming its resolution 713 (1991) of 25 September 1991 and all subsequent relevant resolutions,

Reaffirming its determination that the situation in Bosnia and Herzegovina constitutes a threat to the peace, and reaffirming that the provision of humanitarian assistance in Bosnia and Herzegovina is an important element in the Council's effort to restore peace and security in the region,

Reaffirming also its full support for the International Conference on the Former Yugoslavia as the framework within which an overall political settlement of the crisis in the former Yugoslavia may be achieved, and for the work of the Co-Chairmen of the Steering Committee of the Conference,

Recalling the decision by the International Conference on the Former Yugoslavia to examine the possibility of promoting safe areas for humanitarian purposes,

Recalling the commitments entered into by the parties and others concerned within the framework of the International Conference on the Former Yugoslavia,

Reiterating its call on all parties and others concerned to cooperate fully with the Co-Chairmen of the Steering Committee,

Noting the progress made so far within the framework of the International Conference, including the Joint Declarations signed in Geneva on 30 September 1992 (S/24476) and 20 October 1992 (S/24704) by the Presidents of the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro); the Joint Statement made in Geneva on 20 October 1992 (S/24702) by the Presidents of the Republic of Bosnia and Herzegovina and the Federal Republic of Yugoslavia (Serbia and Montenegro); the Joint Communiqué issued on

1 November 1992 in Zagreb by the Presidents of the Republic of Croatia and the Republic of Bosnia and Herzegovina (S/24748); the establishment of the Mixed Military Working Group in Bosnia and Herzegovina; and the production of a draft outline constitution for Bosnia and Herzegovina (S/24795),

Noting with grave concern the report of the Special Rapporteur appointed following a special session of the Commission on Human Rights to investigate the human rights situation in the former Yugoslavia, which makes clear that massive and systematic violations of human rights and grave violations of international humanitarian law continue in Bosnia and Herzegovina,

Welcoming the deployment of additional elements of the United Nations Protection Force (UNPROFOR) for the protection of humanitarian activities in Bosnia and Herzegovina in accordance with resolution 776 (1992),

Deeply concerned about reports of continuing violations of the embargo imposed by its resolutions 713 (1991) and 724 (1991),

Deeply concerned also about reports of violations of the measures imposed by its resolution 757 (1992),

1. Calls upon the parties in Bosnia and Herzegovina to consider the draft outline constitution as a basis for negotiating a political settlement of the conflict in that country and to continue negotiations for constitutional arrangements on the basis of the draft outline, under the auspices of the Co-Chairmen of the Steering Committee, these negotiations to be held in continuous and uninterrupted session;

2. Reaffirms that any taking of territory by force or any practice of "ethnic cleansing" is unlawful and unacceptable, and will not be permitted to affect the outcome of the negotiations on constitutional arrangements for Bosnia and Herzegovina, and insists that all displaced persons be enabled to return in peace to their former homes;

3. Strongly reaffirms its call on all parties and others concerned to respect strictly the territorial integrity of Bosnia and Herzegovina, and affirms that any entities unilaterally declared or arrangements imposed in contravention thereof will not be accepted;

4. Condemns the refusal of all parties in Bosnia and Herzegovina, in particular the Bosnian Serb paramilitary forces, to comply with its previous resolutions and demands that they and all other concerned parties in the former Yugoslavia fulfil immediately their obligations under those resolutions;

5. Demands that all forms of interference from outside Bosnia and Herzegovina, including infiltration into the country of irregular units and personnel, cease immediately and reaffirms its determination to take measures against all parties and others concerned which fail to fulfil the requirements

of resolution 752 (1992) and its other relevant resolutions, including the requirement that all forces, in particular elements of the Croatian army, be withdrawn, or be subject to the authority of the Government of Bosnia and Herzegovina, or be disbanded or disarmed;

6. Calls upon all parties in Bosnia and Herzegovina to fulfil their commitments to put into effect an immediate cessation of hostilities and to negotiate in the Mixed Military Working Group, continuously and in uninterrupted session, to end the blockades of Sarajevo and other towns and to demilitarize them, with heavy weapons under international supervision;

7. Condemns all violations of international humanitarian law, including in particular the practice of "ethnic cleansing" and the deliberate impeding of the delivery of food and medical supplies to the civilian population of Bosnia and Herzegovina, and reaffirms that those that commit or order the commission of such acts will be held individually responsible in respect of such acts;

8. Welcomes the establishment of the Commission of Experts provided for in paragraph 2 of resolution 780 (1992) and requests the Commission to pursue actively its investigations with regard to grave breaches of the Geneva Conventions and other violations of international humanitarian law committed in the territory of the former Yugoslavia, in particular the practice of "ethnic cleansing";

9. Decides, acting under Chapter VII of the Charter of the United Nations, in order to ensure that commodities and products transshipped through the Federal Republic of Yugoslavia (Serbia and Montenegro) are not diverted in violation of resolution 757 (1992), to prohibit the transshipment of crude oil, petroleum products, coal, energy-related equipment, iron, steel, other metals, chemicals, rubber, tyres, vehicles, aircraft and motors of all types unless such transshipment is specifically authorized on a case-by-case basis by the Committee established by resolution 724 (1992) under its no-objection procedure;

10. Further decides, acting under Chapter VII of the Charter of the United Nations, that any vessel in which a majority or controlling interest is held by a person or undertaking in or operating from the Federal Republic of Yugoslavia (Serbia and Montenegro) shall be considered, for the purpose of implementation of the relevant resolutions of the Security Council, a vessel of the Federal Republic of Yugoslavia (Serbia and Montenegro) regardless of the flag under which the vessel sails;

11. Calls upon all States to take all necessary steps to ensure that none of their exports are diverted to the Federal Republic of Yugoslavia (Serbia and Montenegro) in violation of resolution 757 (1992);

12. Acting under Chapters VII and VIII of the Charter of the United Nations, calls upon States, acting nationally or through regional agencies or arrangements, to use such measures commensurate with the specific circumstances as may be necessary under the authority of the Security Council to halt all inward and outward maritime shipping in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions of resolutions 713 (1991) and 757 (1992);

13. Commends the efforts of those riparian States which are acting to ensure compliance with resolutions 713 (1991) and 757 (1992) with respect to shipments on the Danube and reaffirms the responsibility of riparian States to take necessary measures to ensure that shipping on the Danube is in accordance with resolutions 713 (1991) and 757 (1992), including such measures commensurate with the specific circumstances as may be necessary to halt such shipping in order to inspect and verify their cargoes and destinations and to ensure strict implementation of the provisions of resolutions 713 (1991) and 757 (1992);

14. Requests the States concerned, nationally or through regional agencies or arrangements, to coordinate with the Secretary-General the submission of reports to the Security Council regarding actions taken in pursuance of paragraphs 12 and 13 of this resolution to facilitate the monitoring of the implementation of this resolution;

15. Requests all States to provide in accordance with the Charter of the United Nations such assistance as may be required by those States acting nationally or through regional agencies and arrangements in pursuance of paragraphs 12 and 13 of this resolution;

16. Considers that, in order to facilitate the implementation of the relevant Security Council resolutions, observers should be deployed on the borders of Bosnia and Herzegovina and requests the Secretary-General to present to the Council as soon as possible his recommendations on this matter;

17. Calls upon all international donors to contribute to the humanitarian relief efforts in former Yugoslavia, to support the United Nations Consolidated Inter-Agency Programme of Action and Appeal for the former Yugoslavia, and to speed up the delivery of assistance under existing pledges;

18. Calls upon all parties and others concerned to cooperate fully with the humanitarian agencies and with the United Nations Protection Force (UNPROFOR) to ensure the safe delivery of humanitarian assistance to those in need of it, and reiterates its demand that all parties and others concerned take the necessary measures to ensure the safety of United Nations and other personnel engaged in the delivery of humanitarian assistance;

19. Invites the Secretary-General, in consultation with the United Nations High Commissioner for Refugees and other relevant international humanitarian agencies, to study the possibility of and the requirements for the promotion of safe areas for humanitarian purposes;

20. Expresses its appreciation for the report presented to the Council by the Co-Chairmen of the Steering Committee of the International Conference on the Former Yugoslavia and requests the Secretary-General to continue to keep the Council regularly informed of developments and of the work of the Conference;

21. Decides to remain actively seized of the matter until a peaceful solution is achieved.